UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,420	10/11/2006	Janne Rinne	088245-1126	1831

23524   7590   08/31/2010
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EXAMINER
CASCA, FRED A

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/31/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/538,420	RINNE ET AL.
	Examiner	Art Unit
	FRED A. CASCA	2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>12 August 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>see below</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Applicant's arguments: The 3GPP does not disclose "a resource authorization identifier." Applicant further argues that the "resource authorization identifier" is not just any identifier …. Par [0027] of present application states that " For binding the authorization decision, the PDF creates a resource authorization identifier, which MAY BE referred to as an authorization token as in IMS system."

The examiner asserts during patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). See MPEP   § 2111 - § 2116.01.

The applicant's specification in paragraph 27 states that the Resource Authorization Identifier (RAI) MAY BE referred to an authorization token as in IMS system. The phrase "may be" allows multiple broad interpretations of the RAI.
Thus, the Resource Authorization Identifier (RAI) could be anything (e.g., a number) to identify the authorization for using resources of the WLAN.
The cited 3GPP document refers to and builds on the Mobile IP (MIP) technologies described in RFC 2893 by Gilligan and RFC 2002 by Perkins.

According to the descriptions of 3GPP including the recitations from the RFCs,

The WLAN is the foreign network, where the terminal is roaming into. In other words, the WLAN has the foreign network with a Foreign agent. The mobile network is the Home network with the Home Agent. When the terminal roams into the WLAN (foreign network) and consequently changes its attachment point, it has to start signaling (registration and authentication) to make its presence known by registering with the WLAN and receiving a "care of address" (COA).   The mobile node communicates this COA to the home agent. This COA inherently allows the roaming terminal to use the resources of the WLAN. Thus, the COA identifies that the terminal has been authorized to use the resources of the WLAN. Accordingly, it serves as an identifier (RAI). Please note that the tunnel is also based on this COA. Thus, based on the broadest interpretation of the claim the COA is equivalent to the Resource Identification Identifier. The applicant is advised to specifically claim that the Resource Authorization Identifier is the authorization identifier as in IMS in order to expedite the solicitation towards an allowance. Further, 3GPP discloses on page 13: AAA server verifying whether WLAN Access should be allowed to a subscriber and deciding what access rules/policies (e.g. bandwidth) should be applied to a subscriber … using UE's local IP address allocation…. The 3GPP AAA server selects a W-APN based on the requested W-APN and on the user's subscription … The service request shall be indicated by a tunnel establishment request …

3GPP further discloses on page 34, List of W-APNs for which the user will have services available….
From at least the above citations of 3GPP document, a person of ordinary skill in the art would be able to interpret the "resource authorization identifier" as access rules/policies (e.g. bandwidth), UE's local IP address (Which is the same as the COA). 3GPP in the above citation shows that the binding of the tunnel is dependent on the IP address, thus, the 3GPP discloses at least one "resource authorization identifier."